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07/593676

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/593,676 10/05/90 GREEN

D 1168

EXAMINER

LEWIS, W

ART UNIT

PAPER NUMBER

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336

DATE MAILED:

09/20/91

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite for it is unclear what is the structural interrelationship between the elements of the trocar assembly. Section (c) is unclear for it is unknown relative to what the trocar tip is extended. In section (d), there is no antecedent basis for the releasable obturator means. In section (e), there are some terms missing from "said to". Claim 5 is indefinite for some terms are missing from "mounted said" in line 3. Claim 6 is incorrect for "said trocar assemble..." is cited twice in lines 2 and 3. Claim 7 is indefinite for there is no antecedent basis for the obturator cited in line 3. Claims 8, 10, 11 and 12 are indefinite for there is no antecedent basis for the releasable obturator means. Claim 15 is indefinite for it is unclear what is the structural interrelationship between the elements of the trocar assembly. In section (d), there is no antecedent basis for the releasable obturator means. Claim 16 is incorrect for the trocar is not in a retracted position. In claim 18, line 3, "form" should be spelled "from".

Claims 1-20 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

Serial No. 593676

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Any inquiry concerning this communication should be directed to Examiner W. Lewis at telephone number (703) 308-3136.



WL/DB

September 19, 1991



C. FRED ROSENBAUM

S. P. E.

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